

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ADRIAN DESJUAN BISHOP,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-17-00064-C
)	
RAYMOND BYRD)	
)	
Defendants.)	

ORDER

The Court is in receipt of a document that Plaintiff Arian DesJuan Bishop has tendered to initiate this civil action under 42 U.S.C. § 1983. *See generally* Compl. (Doc. No. 1); Compl. Exs. (Doc. Nos. 1-1 to 1-4). The document is deficient in the areas indicated below:

- ☒ *In forma pauperis* application is not on the proper form.
- ☐ *In forma pauperis* application is not signed by the plaintiff under penalty of perjury.
- ☒ *In forma pauperis* application is missing required financial information and the signature of an authorized officer of the relevant penal institution(s).
- ☐ *In forma pauperis* application is missing a certified copy of the plaintiff's institutional account(s) statement for the six-month period preceding this filing.
- ☐ The complaint is not on the proper form and does not supply the Court with the equivalent information required by the proper form.
- ☐ The complaint is missing the plaintiff's original signature.

Plaintiff's form 42 U.S.C. § 1983 Complaint includes an attachment and several handwritten statements that the Court liberally construes as Plaintiff's application to initiate

this action without prepaying fees or giving surety therefor. Compl. Ex. 1 (Doc. No. 1-1) at 6; Compl. Ex. 4 (Doc. No. 1-4) at 1-4; *see* 28 U.S.C. § 1915; LCvR 3.3. An *in forma pauperis* applicant who is incarcerated is required by federal statute and by this Court's Local Rules to provide the Court with certain information regarding his or her prison bank account(s), which must signed by the prisoner under penalty of perjury and certified by an appropriate prison official:

[A]ny court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, . . . without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

A prisoner seeking to bring a civil action . . . without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . , obtained from the appropriate official of each prison at which the prisoner is or was confined.

28 U.S.C. § 1915(a)(1)-(2); *accord* LCvR 3.3(b). Plaintiff's filing does not provide the necessary information in the manner prescribed by 28 U.S.C. § 1915.¹

¹ Section 1915 further provides that a prisoner shall not be allowed to bring an civil action under this section

if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). It appears that Plaintiff has acquired more than three "strikes" in this Court alone. *See* R. & R. (Doc. No. 7) at 1-3, *Bishop v. Byrd*, No. CIV-16-761-C (W.D. Okla. Aug. 4, 2016); Order Adpt. R. & R. (Doc. No. 8) at 1, *Bishop v. Byrd*, No. CIV-16-761-C (W.D. Okla. Sept. 14, 2016).

IT IS ORDERED that Plaintiff—if he wishes to proceed with this lawsuit—shall, on or before **February 17, 2017**, pay the full \$400.00 filing fee or file an *in forma pauperis* application with the information required by the Court’s approved form. Failure to comply with this Order may result in the dismissal of this action. LCvR 3.2, 3.3(e), 9.2.

The Clerk of the Court is directed to send a blank Application for Leave to Proceed *In Forma Pauperis* form (for prisoner cases) to Plaintiff along with this Order.

IT IS SO ORDERED this 27th day of January, 2017.



CHARLES B. GOODWIN
UNITED STATES MAGISTRATE JUDGE